

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/560,236
Applicant : Holger Winter
Filed : April 28, 2006
TC/A.U. : 1637
Examiner : Mark Staples

Docket No. : 2923-741
Customer No. : 6449
Confirmation No. : 2529

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 2, 2007

Sir:

In response to the Restriction Requirement of August 2, 2007, applicants hereby elect group I, claims 1-12 with traverse on the grounds that the technical feature linking the groups is the structural formula (I). Regarding the election of species, applicants hereby elect a species of formula (I) where $X_1 - X_2 \dots X_m$ is a probe sequence specific for PGK-1 ; M and M' are rhodamine green; n and n' are 5, Z is a pyrimidine nucleotide; m is 40; X is -O-; Y is =O; Y' is -OH; and R is -OH to begin the prior art search. Regarding B, this group defines the specificity of the probe and can be any of the nucleobases: adenine, guanine, cytosine, uracil or thymine. Electing one group for the variable B would be meaningless as such a probe would not be specific for PGK-1 as elected above regarding $X_1 - X_2 \dots X_m$. However, B can be specified as guanine in at least one of $X_1 - X_2 \dots X_m$. The elected species is encompassed by claims 1-23.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

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